

### **REMARKS**

Claim 62 is amended. Claims 80-85 are added. Claims 48-85 are in the application for consideration.

A Supplemental Information Disclosure Statement is submitted herewith disclosing new art, as well as re-disclosing the Woo et al. reference with the correct patent number of 5,262,352.

The drawings objection is noted. A request for entry of a substitute drawing sheet 3 is filed herewith, with copies of the proposed drawing sheet also included herewith, wherein the reference numeral 37 has been deleted. Entry of this substitute sheet is requested.

A substitute Abstract is submitted herewith.

Claims 58, 59 and 64-73 stand rejected under 35 U.S.C. §112, first paragraph, with an allegation that such claims contain subject matter that Applicant did not have in possession in the filed application. The alleged non-inclusive subject matter is Applicant's reference to a "conductive line", with the Examiner asserting that such must be changed to "transistor". Applicant disagrees and respectfully requests reconsideration.

The application as-filed clearly supports the fabrication of devices other than field effect transistors. *See, for example*, p.5, Ins.11-13, indicating "formation of other electronic components or devices", in contrast to field effect transistors. *See also*, p.9, Ins.3-7, referring to "the component being fabricated" and the "conductive component", with a transistor gate only being given as an example. *See also*, p.9, Ins.18-19, referring to

"electronic component device fabrication", and p.9, Ins.22-23, referring to an "illustrated preferred embodiment where a transistor is being fabricated". See *also*, claims 9 and 15, as originally filed, which refer to the formation of "an electronic component", which is inherently not limited to or by a transistor gate. See *also*, p.2, ln.15, which refers to a gate line or a word line.

The undersigned believes the foregoing conclusively establishes that the application as-filed is not limited to transistor fabrication, and that the Applicant possessed at the time of filing, at least as evidenced in the specification, the formation of a conductive line which only in one preferred embodiment is a field effect transistor gate line. Support for the same is also inherent in Applicant's drawings which show cross-sectional profiles of exemplary conductive lines in the form of transistor gate lines. Thus, Applicant did possess and disclose more generically a conductive line, with a transistor gate line only being but one species example of a conductive line. Accordingly, it is respectfully requested that the Examiner's rejection in this regard be withdrawn.

Claim 62 has been amended to overcome the Examiner's 35 U.S.C. §112, second paragraph, rejection. Accordingly, withdrawal of this rejection is requested.

The Examiner's double patenting rejection is overcome by the Terminal Disclaimer submitted herewith.

Applicant objects to the Examiner's statement of reasons for the indication of allowable subject matter, and requests withdrawal of the same.

It is respectfully asserted that 35 U.S.C. §112 requires claims to be presented by an Applicant in the manner which Applicant "regards" its invention. How an Applicant "regards" its invention is as its claims are literally worded. Further, it is asserted that it is within this purview that an Examiner must examine claims, namely as they are literally worded. To do otherwise might result in the Examiner interpreting Applicant's invention as the Examiner regards it, not necessarily as the Applicant regards it. If an Examiner is of an opinion that Applicant's claims are not clear, a rejection thereof should be provided rather than confusing the record or rewriting the claims by Examiner comment.

The Examiner's interpretation in the last action with respect to claims 74, 77 and 79 might be interpreted to put limitations into Applicant's such claims which simply are not there, nor which Applicant intends nor necessarily "regards" as its invention. For example, the Examiner has used words such as "treated", "smaller" and "recessed" which are either undefined by Applicant, different from language used by Applicant, or not intended by Applicant to be a necessary limitation of claims 74, 77 and 79. Further, some of the Examiner's interpretive statements include limitations that apparently also appear in dependent claims 75 and 78, with such statements being superfluous if claims 75 and 78 as originally submitted are allowable.

It is respectfully requested that the Examiner issue a Notice of Allowance in the next action without comments which go beyond Applicant's literal claim language, and without extraneous interpretation of Applicant's language.

Claims 80-85 are added.


This application is believed to be in immediate condition for allowance, and action to that end, without comment, is respectfully requested.

Respectfully submitted,

Dated: \_\_\_\_\_

8-4-04

By: \_\_\_\_\_

  
Mark S. Matkin  
Reg. No. 32,268

ANNOTATED SHEET SHOWING CHANGES

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